



PATENT  
HMD2000-1-2009

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Thomas N. Giaccherini, et al.

Examiner:

Serial No.:

Group Art Unit:

Title: **METHOD FOR UTILIZING  
EXCESS COMMUNICATIONS  
CAPACITY**

Filed: 1 April 2009

**CERTIFICATE OF MAILING BY U.S.P.S. EXPRESS MAIL**

Mailing Label Number  
EH 689 942 738 US

Date of Deposit  
1 April 2009

The undersigned hereby certifies that this document is being deposited with the United States Postal Service "Express Mail Post Office to Addressee Service" in accordance with the provisions of 37 CFR Sections 1.53 and 1.10 on the date subscribed to below and is addressed to The Commissioner for Patents, Mail Stop PATENT APPLICATION, P.O. Box 1450, Alexandria, Virginia 22313-1450.

  
Thomas N. Giaccherini, Registration No. 31,075

Date 1 April 2009

**TRANSMITTAL LETTER**  
**PATENT APPLICATION FILING UNDER**  
**37 CFR SECTIONS 1.53 & 1.10 BY U.S.P.S. EXPRESS MAIL**

The Commissioner for Patents  
Mail Stop PATENT APPLICATION  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
Sir:

In accordance with the provisions of 37 C.F.R. Sections 1.10 and 1.53, please accept the enclosed Continuation Patent Application entitled *Method for Utilizing Excess Communications Capacity*.

### **Computation of Period for Submitting Response**

The Applicants submitted a Notice of Appeal to the Patent Office on 29 September 2008, which was received by the Patent Office on 2 October 2008. (See attached copy of Acknowledgment Postcard bearing OIPE date stamp.) The period for submitting an Appeal Brief is 60 days, which expired on 2 December 2008.

This Continuation Patent Application is accompanied by a Petition for a Four Month Extension of Time, which will extend the period for submitting the Present Application until tomorrow, 2 April 2009.

According to MPEP Section 1205.01, "the Office date of receipt of the notice of appeal...is the date from which this 2 month time period is measured," so the submission of the Present Continuation Application on 1 April 2009 with a Rule 10 Certificate is within the period for response, when extended by four months, to 2 April 2009.

### **Contents of Continuation Application**

This Transmittal Letter is accompanied by a Continuation Patent Application which includes:

- 18 Pages of Specification plus a title page including:
  - 24 Claims including
  - 2 Independent Claims and
  - 22 Dependent Claims; and
- 3 Sheets of Drawings.

No Assignments, combined Declarations & Powers of Attorney or Verified Statements of Small Entity Status are submitted at this time. No filing fee is submitted, nor is the Commissioner authorized to charge any fees to any deposit account for filing fees. The Applicants intend to pay all filing fees connected with the submission of this Application when the missing parts are submitted to the Patent Office.

### **Applicants' Claim for Small Entity Status**

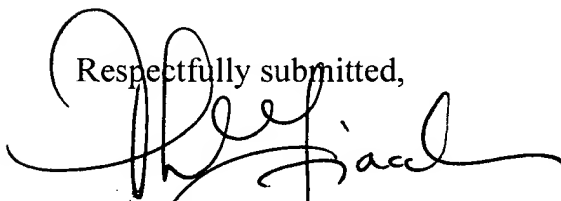
The Applicants and the prospective Assignee hereby claim that they are each eligible for all small entity fees charged by the Patent Office.

**Calculation of Filing Fees**

The filing fee for this Application is calculated below using small entity rates:

	No. Filed	Allowance	Excess	Rate	Total
Filing Fee					\$ 165
Total Claims	24	20	4	\$ 26	\$ 72
Independent Claims	2	3	0	\$110	0
Multiple Dep. Claims	0	0	0	\$195	0
Subtotal					\$ 237
Search Fee					\$ 270
Exam Fee					\$ 110
Subtotal					\$ 380
<b>TOTAL FEE</b>					<b>\$ 617</b>

Respectfully submitted,



Thomas N. Giaccherini,  
Registration No. 31,075  
Attorney for Applicants

1 April  
2009.

**Giaccherini**

Post Office Box 1146  
Carmel Valley, California 93924  
831.659.5300

Transmitted to the Patent Office by U.S.P.S. Express Mail Service,  
Label No. EH 689 942 738 US, on 1 April 2009.



PATENT  
HMD2000-1-2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*Non-Provisional Application  
for  
United States Letters Patent*

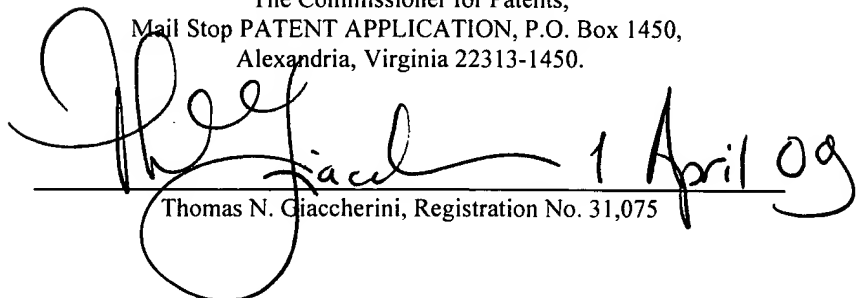
## **Method for Utilizing Excess Communications Capacity**

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Alexandria, Virginia 22313-1450.

  
Thomas N. Giaccherini, Registration No. 31,075

Inventors:  
Thomas N. Giaccherini  
James R. Stuart



## HMD2000-1

### ACKNOWLEDGMENT POSTCARD

*Method for Utilizing Excess Communications Capacity*

USSN: 09/579,324  
File Date: 25 May 2000  
Applicants: Giaccherini et al.

#### Submission of Notice of Appeal

To the Patent Office:

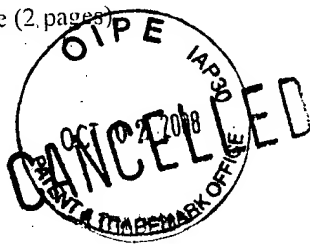
Please acknowledge your receipt of the following documents by affixing the PTO date and time stamp below and by returning this card to me by U.S. Mail.

Documents enclosed:

A Petition for a Three Month Extension of Time (2 pages)

A Notice of Appeal (1 page); and

A Credit Card Charge Authorization.



Thank you.

*Th. N. Giaccherini*

Thomas N. Giaccherini,  
Registration No. 31,075  
Applicants' Attorney  
831.659.5300

29 Sept 08

Mailed to the Patent Office  
on Monday 29 September 2008.